

National Academy of Arbitrators

**2019 Annual Meeting
May 29 - June 1, 2019
Philadelphia, PA**

**Wrestling with Change: The Future of
Work and Workplace Dispute Resolution**



**Loews Philadelphia Hotel
1200 Market Street
Philadelphia, PA**

On-Site

Tuesday, May 28, 2019

- 1:00 p.m. – 5:00 p.m.....**NAA Registration Desk**
Adams Foyer (Third Floor)
- 1:30 p.m. – 5:00 p.m.....**Board of Governors**
Regency A (Second Floor Mezzanine)
- 1:30 p.m. – 5:00 p.m.....**Membership Committee**
Regency C2 (Second Floor Mezzanine)

Wednesday, May 29, 2019

- 8:00 a.m. – 5:00 p.m.....**NAA Registration Desk**
Adams Foyer (Third Floor)
- 7:30 a.m. – 12:00 p.m.....**New Member Orientation**
Commonwealth D (Second Floor)
- 1:30 a.m. – 4:30 p.m.....**Wage and Hour Dispute Program**
(Separate Fee) Commonwealth C (Second Floor)
- 8:30 a.m. – 5:00 p.m.....**Board of Governors**
Regency A (Second Floor Mezzanine)
- 8:30 a.m. – 5:00 p.m.....**Membership Committee**
Regency C2 (Second Floor Mezzanine)
- 10:00 a.m. – 5:00 p.m.....**CPRG**
Regency C1 (Second Floor Mezzanine)
- 12:00 p.m. – 1:15 p.m.**New Member Luncheon**
(Invitation Only) Congress (Fourth Floor)
- 6:30 p.m. – 7:30 p.m.....**Wine & Cheese Reception**
Millennium Hall (Second Floor)

Thursday, May 30, 2019

- 8:00 a.m. – 5:00 p.m.....**NAA Registration Desk**
Adams Foyer (Third Floor)
- 8:30 a.m. – 9:00 a.m..... **Welcome and Introductory Remarks**
Regency AB (Second Floor Mezzanine)

Edward B. Krinsky, NAA President <i>Madison, WI</i>	William McKee, NAA Program Committee Co-Chair <i>Denton, TX</i>	Ralph Colflesh, NAA Host Committee Chair <i>Philadelphia, PA</i>
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Thursday, May 30, 2019 (Continued)

9:00 a.m. – 10:00 a.m. Plenary

Regency AB (Second Floor Mezzanine)

THE FUTURE OF WORK AND WORKPLACE ADR

What lies ahead in the workplace? Tom Kochan reports on current efforts by MIT researchers and other groups around the world that are studying the influence of advancing technologies on the future of work. From this vantage point he will examine implication for labor-management relations and dispute resolution. Emphasis will be given to how proactive efforts of business, labor, educators, governments, and third-party neutrals can contribute to using technology to create better work and a more broadly-shared prosperity.

Moderator:

William McKee, NAA
Denton, TX

Panelist:

Thomas A. Kochan, NAA
George M. Bunker Professor
Sloan School of Management, MIT
Boston, MA

10:10 a.m. – 11:10 a.m. Plenary

Regency AB (Second Floor Mezzanine)

**LIVING WAGE LAWS AND THEIR IMPACT ON LABOR
RELATIONS AND COLLECTIVE BARGAINING**

Living wage laws create minimum wage rates for covered localities or facilities. UNITE HERE represents employees in the airline catering industry, including a national bargaining unit of employees of LSG Sky Chefs whose 55 flight kitchens and on-airport operations are subject to a wide-variety of living wage laws. David Vaughn, the national umpire for Sky Chefs and UNITE HERE, will describe the development and status of living wage legislation and analyze the impact of such laws on labor relations and collective bargaining. Lead representatives of Sky Chefs and UNITE HERE will assess the on-going impacts of such laws and the responses of the parties to deal with them.

Moderator:

M. David Vaughn, NAA
Clarksville, MD

Panelists:

Chuck Hendricks	F. Bruce Murray
Bargaining Director	Director
UNITE HERE Int'l Union	Labor and Employee Relations
<i>Towson, MD</i>	LSG Sky Chefs
	<i>Irving, TX</i>

Thursday, May 30, 2019 (Continued)

11:20 a.m. – 12:20 p.m. **Plenary**
Regency AB (Second Floor Mezzanine)

RED LIGHT/GREEN LIGHT: WHAT'S LOVE GOT TO DO WITH IT? #METOO

Leading U.S. and Canadian counsel and arbitrators will weigh in on several scenarios involving personal interactions that take place in the workplace. Can there be any romance or humour in the work place in the #MeToo era? Is it possible for a healthy romantic relationship to develop at work? Are any references to race or gender acceptable anymore? This highly interactive red light/green light session will engage the audience in a current and, dare we say it, hot topic.

Moderator:
Paula Knopf, NAA
Toronto, ON

Panelists:

Nini Jones, Partner Paliare Roland Rosenberg Rothstein LLP <i>Toronto, ON</i>	Andrew M. Strongin, NAA <i>Takoma Park, MD</i>
William K. Kennedy, Partner Montgomery McCracken Walker & Rhoads LLP <i>Philadelphia, PA</i>	Jacalyn Zimmerman, NAA <i>Lake Bluff, IL</i>

12:20 p.m. – 1:20 p.m. **Distinguished Speaker Luncheon**
Millennium Hall (Second Floor)

Introduction:
Edward B. Krinsky, NAA President
Madison, WI

Speaker:
Charles Ramsey
Former Commissioner of the Philadelphia Police Department

1:30 p.m. – 2:30 p.m. **Concurrent Session**
Commonwealth B (Second Floor)

EMERGING HEALTHCARE ISSUES IN LABOR ARBITRATION

As employers contemplate further changes to employee contributions and the structure of health plans, unions prepare arguments on such issues as notice requirements, the duty to bargain, and the legal standards of “comparable” and “substantially similar.” Among other topics to be addressed are subcontracting for services and performance-based wage increases in a very competitive healthcare market. Where is all this headed, and how will the differences be resolved?

Panelists:

John Dinome Assistant General Counsel & Chief Human Resources Officer American Academic Health Systems	Lance Geren, Partner O'Donoghue & O'Donoghue <i>Philadelphia, PA</i>
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Thursday, May 30, 2019 (Continued)

1:30 p.m. – 2:30 p.m. Concurrent Session
Regency AB (Second Floor Mezzanine)

**JANUS ONE YEAR LATER: THE PENNSYLVANIA STORY
IN A NATIONAL CONTEXT**

On its issuance in June 2018 many anticipated that the Janus ruling would have major impacts on public sector labor relations. Have those expectations become reality, and how typical or atypical is Pennsylvania compared to other states? What does the future hold with Janus?

Moderator:
Scott E. Buchheit, NAA
Haddonfield, NJ

Panelists:

Michael J. Hanlon, Member Cozen O'Connor <i>Philadelphia, PA</i>	Michael L. Levin Levin Legal Group, P.C. Counsel, PA School Board Association <i>Huntingdon Valley, PA</i>
Charles J. Herring, Staff Attorney PA State Education Association <i>Montgomeryville, PA</i>	Alaine S. Williams, Partner Willig Williams & Davidson <i>Philadelphia, PA</i>

2:45 p.m. – 3:45 p.m. Concurrent Session
Commonwealth B (Second Floor)

**CANADIAN AND U.S. SESSION: LABOUR DISPUTES UNDER
U.S. AND CANADIAN TRADE AGREEMENTS
(USMCA AND OTHERS)**

Two lead US and Canadian negotiators of the labour provisions in US and Canadian trade agreements will examine the agreements and discuss their dispute resolution mechanisms.

Moderator:
Christopher J. Albertyn, NAA
Toronto, ON

Panelists:

Pierre Bouchard, Director Bilateral and Regional Labour Affairs Labour Program of Employment and Social Development <i>Ottawa, ON</i>	Carlos Romero, Deputy Assistant U.S. Trade Representative for Labor in the Office of the Trade Representative <i>Washington, DC</i>
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Thursday, May 30, 2019 (Continued)

2:45 p.m. – 3:45 p.m. Concurrent Session
Regency AB (Second Floor Mezzanine)

U.S. DESIGNATING AGENCIES UPDATE

Moderator:
Joshua Javits, NAA
Washington, DC

Panelists:

Christine Newhall Senior Vice President of the Labor/Employment Elections Division AAA <i>Boston, MA</i>	Roland Watkins Director, Arbitration Services NMB <i>Washington, DC</i>
Arthur Pearlstein Director, Arbitration Service FMCS <i>Washington, DC</i>	

4:00 p.m. – 6:00 p.m. Social Gathering
Washington (Third Floor)

All are welcome to attend. During the gathering you will have a chance to:

- Meet the panelists up close and informally of Labour Disputes under the USMCA – Continuing the Conversation with Pierre Bouchard and Carlos Romero.
- Preview REF Auction Items.
- Meet with friends and enjoy a drink from the bar.

4:00 p.m. – 5:00 p.m. Ad Hoc Committee on Internal Grievances Meeting
Mezzanine C (First Floor Mezzanine)

4:00 p.m. – 5:00 p.m. Regional Chairs Meeting
Anthony Room (Third Floor)

4:00 p.m. – 5:00 p.m. Supplement to “50 Years in the World of Work” Committee Meeting
Jefferson Boardroom (Third Floor)

5:00 p.m. – 6:00 p.m. 2019 FEC Program Committee Meeting
Mezzanine A (First Floor Mezzanine)

Friday, May 31, 2019

8:00 a.m. – 5:00 p.m. **NAA Registration Desk**
Adams Foyer (Third Floor)

9:00 a.m. – 10:15 a.m. **Plenary**
Regency AB (Second Floor Mezzanine)

**THE FUTURE OF WORK: UNION AND MANAGEMENT
PERSPECTIVES**

A distinguished panel will comment on advancing technologies and their impact on future labor relations and arbitration.

Moderator:

Margaret R. Brogan, NAA
Philadelphia, PA

Panelists:

William R. Kerr
Professor of Business Administration
Co-Director of Managing the Future of
Work Project at Harvard Business School
Boston, MA

Wilma Liebman
Former Chairman and Member
National Labor Relations Board
Washington, DC

Thomas A. Kochan, NAA
George M. Bunker Professor
Sloan School of Management, MIT
Boston, MA

Liz Shuler
Executive Secretary-Treasurer
AFL-CIO
Washington, DC

10:30 a.m. – 11:45 a.m...... **Plenary**
Regency AB (Second Floor Mezzanine)

THE SCIENCE OF SETTLEMENT

What can you do when parties ask your help in negotiating a settlement? An all-star panel will offer engaging thoughts, wit, and lasting lessons on the subject that was captured in Barry Goldman's book, *The Science of Settlement*. To round out the discussion, Canadian members who have substantial experience in a mediating role will provide comments and insights about such service.

Panelists:

Christopher J. Albertyn, NAA
Toronto, ON

Barry Goldman, NAA
Bloomfield, MI

Jules Bloch, NAA
Toronto, ON

12:00 p.m. – 1:15 p.m. **Presidential Luncheon**
Millennium Hall (Second Floor)

Introduction:

George R. Fleischli, NAA
Madison, WI

Speaker:

Edward B. Krinsky, NAA President
Madison, WI

Friday, May 31, 2019 (Continued)

1:30 p.m. – 2:45 p.m. Concurrent Session

Regency C2 (Second Floor Mezzanine)

**FEDERAL SECTOR DISPUTE RESOLUTION:
THE CURRENT SITUATION AND WHAT WE
CAN EXPECT GOING FORWARD**

The past year has seen historic shifts in the labor-management relationship in the federal sector, including the ways in which issues are addressed in the grievance and bargaining processes and before arbitrators and administrative agencies. This session will examine some of the more significant substantive and process changes resulting from the Executive Orders and legislative changes, including the centralization of labor relations, and discuss the future of federal sector collective bargaining and dispute resolution from the agency, union, and arbitral perspectives.

Moderator:

Ira F. Jaffe , NAA
Potomac, MD

Panelists:

Constance Chang-Gillespie, Esq
National Counsel
National Treasury Employees Union
Washington, DC

Mark Maxin, Esq.
Assistant General Counsel for
Administration
Nuclear Regulatory Commission
North Bethesda, MD

1:30 p.m. – 2:45 p.m. Concurrent Session

Regency C1 (Second Floor Mezzanine)

**POSTAL ARBITRATION: THE FUTURE OF THE POSTAL
SERVICE – SHOULD THE POST OFFICE ACT MORE LIKE A
PRIVATE BUSINESS?**

In December 2018 the Treasury Department released a proposal for overhauling the US Postal Service which, without calling for full privatization, concluded that the Post Office should act more like a private business – such as having the “authority to charge market-based prices for both mail and package items”. How should the parties continue forward?

Moderator:

Sherrie Rose Talmadge , NAA
Boston, MA

Panelists:

Rick Acker, Manager
Field Labor Relations Headquarters
USPS
Powell, OH

David L. Heather
Director of Labor Relations
NRLCA
Alexandria, VA

Lucien Drass, Vice President
NALC
Washington, DC

Friday, May 31, 2019 (Continued)

1:30 p.m. – 2:45 p.m. Concurrent Session
Regency AB (Second Floor Mezzanine)

AIRLINE INDUSTRY ISSUES

Major airline flight crew contract negotiations for the “Big 4” airlines (American, United, Delta, and Southwest) are beginning. Pilots, flight attendants, mechanics and fleet and customer service employees have high expectations and seem intent on recapturing losses endured from bankruptcy filings following 9/11. Airlines are making money but are also facing competition from foreign airlines. Will Emergency Boards, interest arbitration, med-arb be used? What is the role of neutrals in this bargaining round? What is the impact of information technology on bargaining? Has IT changed the parties’ approach to bargaining?

Moderator:
Joshua Javits , NAA
Washington, DC

Panelists:

Lori Bassani, President
APFA
AA Flight Attendants
Eules, TX

Betty Ginsburg, Director
Representation ALPA
Washington, DC

Kyle Fortson, Chair
NMB
Washington, DC

Lindsey Goldstein
Director and Senior Labor Attorney
American Airlines
Dallas, TX

3:00 p.m. – 4:15 p.m. Poster Sessions

THE CURRENT FLRA: ANY SURPRISES HERE?

Commonwealth B (Second Floor)

A comparison of the Trump, Obama, and Bush FLRA decisions in cases where agencies have filed exceptions to arbitration awards that sustain grievances. Is the current FLRA changing long-standing precedent?

Moderator: Beber Helburn, NAA, *Austin, TX*

GOING DEEP: INVESTIGATIVE TOOLS FOR TODAY AND TOMORROW

Commonwealth C (Second Floor)

Innovative technologies have dramatically increased and are rapidly being used to detect fraud and deception. How can advocates and arbitrators use and evaluate these new technologies to reach “the truth”? How reliable are these new techniques?

Moderator: Scott M. Catron, Co-CEO/Co-Owner, Social Detection, Inc.,
King of Prussia, PA

Sessions Continued on next page... —————>

Friday, May 31, 2019 (Continued)

3:00 p.m. – 4:15 p.m. Poster Sessions (Continued)

LABOR ARBITRATORS ON EMPLOYMENT ARBITRATION
Commonwealth D (Second Floor)

Non-union employment arbitration is a firmly established yet provocative and relatively new institution. This session explores labor arbitrator experiences with and perceptions of non-union employment arbitration. Specifically, data from a contemporary survey of the National Academy of Arbitrators is presented to describe employment arbitration caseloads, fees, and general perceptions of the propriety of this new institution.

Moderator: Prof. Mark Gough, Assistant Professor of Labor and Employment Relations, Pennsylvania State University, *State College, PA*

4:30 p.m. – 5:30 p.m. 2020 Annual Program Committee Meeting
Mezzanine C (First Floor Mezzanine)

4:30 p.m. – 5:30 p.m. Arbitrationinfo.com Committee Meeting
Mezzanine A (First Floor Mezzanine)

4:30 p.m. – 5:30 p.m. Outreach Committee Meeting
Anthony (Third Floor)

4:30 p.m. – 5:30 p.m. Research and Education Foundation Meeting
Jefferson Boardroom (Third Floor)

6:30 p.m. – 7:30 p.m. Reception
Millennium Foyer (Second Floor)

7:30 p.m. Dinner
Millennium Hall (Second Floor)

Saturday, June 1, 2019

8:00 a.m. – 12:00 p.m. NAA Registration Desk
Adams Foyer (Third Floor)

Saturday, June 1, 2019 (Continued)

9:00 a.m. – 10:15 a.m...... **Plenary Session**
Regency AB (Second Floor Mezzanine)

**REPORTING ON ARBITRATION AND THE FUTURE OF
WORK BY JOURNALISTS**

Our experience with ArbitrationInfo.com, a website dedicated to providing information to journalists about arbitration and other ADR processes, highlights the difficulties faced by journalists in reporting about work and the law of the workplace. The struggle is particularly true in an era where change occurs at incredible speed. This session will advance the understanding of challenges faced in reporting ADR processes and how journalists will keep up with and report on the future nature of work and work relationships.

Moderator:

Robert Gary Bailey, NAA
Columbia, MO

Panelists:

Juliana Feliciano Reyes
Reporter for Philadelphia
Inquirer and Daily News
Philadelphia, PA

Daxton “Chip” Stewart
Professor of Journalism
Bob Schieffer College of
Communications
Texas Christian University
Fort Worth, TX

10:30 a.m. – 11:45 a.m. **Fireside Chat**
Commonwealth CD (Second Floor)

Interviewee:

George R. Fleischli, NAA
Madison, WI

Interviewer:

Daniel J. Nielsen, NAA
Lake Bluff, IL

12:00 p.m. – 1:00 p.m. **Lunch on Your Own**

1:00 p.m. – 1:30 p.m. **Member Recognitions**
Regency AB (Second Floor Mezzanine)

**Honorary Life Members, New Members and
25 & 40 Year Members**

1:30 p.m. – 2:30 p.m. **NAA Annual Business Meeting**
(Members Only) Regency AB (Second Floor Mezzanine)

3:00 p.m. **Board of Governors Meeting**
Regency C1 (Second Floor Mezzanine)

The following members were admitted to the National Academy of Arbitrators in 1994 & 1979 and will be recognized on Saturday at the Annual Business Meeting:

25 Year Members

John B. Dorsey
Robert L. Douglas
William P. Hobgood
Fredric R. Horowitz
Susan R. Meredith
Peter R. Meyers
Kathleen Miller
William J. Miller, Jr.
Dennis E. Minni
John M. Moreau
Elliot Newman
William W. Petrie
Stephen J. Rosen
Franklin Silver
Barry Winograd

40 Year Members

Edward P. Archer
James R. Beilstein
C. Chester Brisco
Thomas F. Carey
Hyman Cohen
Donald P. Crane
Irwin J. Dean, Jr.
George E. Marshall, Jr.
David P. Twomey

The following member has been chosen to receive Honorary Life Status and will be recognized on Saturday at the Annual Business Meeting:

Honorary Life Member

Barbara Zausner

The following have been admitted into Membership and will be recognized on Saturday at the Annual Business Meeting.

New Members

Richard Bales
Lisa C. Charles
Keith D. Greenberg
Doyle O'Connor
Augustus Richardson

**2019 COMMITTEE ON PROGRAM
ANNUAL MEETING**

William McKee, *Co-Chair*
Maretta Comfort Toedt, *Co-Chair*

Claude Dawson Ames	Paula Knopf
Scott E. Buchheit	Mark I. Lurie
Linda S. Byars	Michelle Miller-Kotula
Amedeo Greco	Sidney S. Moreland, IV
Joshua Javits	Dennis R. Nolan

**2019 HOST COMMITTEE
ANNUAL MEETING**

Ralph H. Colflesh, *Chair*

Margaret R. Brogan	Joan Parker
Scott E. Buchheit	Alan A. Symonette
Carol F. Laskin	

Walt De Treux, *Ex Officio*

Plan to Attend

2019 Fall Education Conference

September 20 - 22, 2019
Savannah Marriott Riverfront
Savannah, GA

2020 Annual Meeting

May 6 - 9, 2020
Grand Hyatt Denver
Denver CO

2021 Annual Meeting

April 21 - 24, 2021
Marina del Rey Marriott
Marina del Rey, CA

